

**BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

In re CLEARVIEW AI, INC. DATA
LITIGATION

MDL Docket No. _____

**MOTION OF THE CLEARVIEW DEFENDANTS
FOR TRANSFER OF ACTIONS TO THE SOUTHERN DISTRICT OF NEW
YORK PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR
CONSOLIDATED PRETRIAL PROCEEDINGS**

Movants Clearview AI, Inc. (“Clearview”), Hoan Ton-That, and Richard Schwartz (collectively, the “Clearview Defendants”) respectfully request, pursuant to 28 U.S.C. § 1407(a), that this Panel issue an order transferring *Hall v. Clearview AI, Inc.*, 20-cv-846 (N.D. Ill.); *Marron v. Clearview AI, Inc.*, 20-cv-2989 (N.D. Ill.); *Mutnick v. Clearview AI, Inc.*, 20-cv-512 (N.D. Ill.); and *Thornley v. Clearview AI, Inc.*, 20-cv-3843 (N.D. Ill.), from the United States District Court for the Northern District of Illinois to the United States District Court for the Southern District of New York and, with the consent of that Court, assigning the transferred cases to the Honorable Colleen McMahon, before whom six related actions are already pending. The ten related actions (the “Actions”) are listed in the accompanying Schedule of Actions.

In support of transfer and coordination or consolidation under 28 U.S.C. § 1407(a), and as set forth more fully in the accompanying Memorandum of Law, Movants aver as follows:

1. The putative class actions proposed for transfer and coordination or consolidation are pending in a different district court than, and involve “one or more common questions of fact” with, six actions already pending before Chief Judge McMahon in the Southern District of New York.

2. Plaintiffs in the Actions have brought virtually identical legal claims against Clearview based on allegations that Plaintiffs posted photographs of themselves on various social media websites; Clearview downloaded and collected from the internet publicly-available photographs of Plaintiffs and other putative class members; Clearview assembled a database of approximately three billion publicly-available photographs; Clearview obtained facial vectors from many of the photographs; and Clearview created an app and licensed it to users who can view search results from Clearview's database.

3. Centralization will serve "the convenience of parties and witnesses." Discovery will be largely duplicative because the Actions are based on the same factual allegations as well as overlapping legal theories. Plaintiffs will likely serve similar document requests and interrogatories, and seek the depositions of the same witnesses.

4. Centralization will "promote the just and efficient conduct" of the Actions, since it will avoid the need to have two judges decide nearly identical motions and avoid the risk of inconsistent rulings.

5. The Southern District of New York is the most suitable forum for the Clearview Actions, because (a) New York is the primary locus of the disputes, (b) a majority of the Actions are pending in the Southern District of New York; (c) the Clearview Defendants are located in New York; and (d) Chief Judge McMahon in the Southern District of New York has had significant experience overseeing multidistrict litigation proceedings.

WHEREFORE, Movants respectfully request that the Judicial Panel on Multidistrict Litigation take jurisdiction over the ten pending actions and future tag-along actions and transfer the four actions listed in the accompanying Schedule of Actions that are pending in the Northern District of Illinois to the Southern District of New York for assignment, with that Court's consent,

to Chief Judge McMahon for coordinated or consolidated pretrial proceedings.

August 17, 2020

Respectfully submitted,

By: /s Lee Wolosky

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